IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.1967 OF 2005

Shri Anant Shivram Sutar & Ors. : Petitioners
V/s.
Shri Shantaram Vishnu Sutar & Anr. : Respondents

....

Mr. S. M. Railkar for the petitioners.
None present for the respondents.

....

CORAM : DALVEER BHANDARI, C.J. &
S.A. BOBDE, J.

DATE : APRIL 1, 2005.

P.C.:

The Consolidation Scheme was sanctioned in 1978 and successfully implemented and that the two parties had voluntarily and knowingly taken possession of their respective gats. A complaint has been filed after a lapse of 23 years. The entire scheme has been finally concluded and the parties have taken possession of their respective gats and now it cannot be reopened at the behest of the parties who have not pursued their rights for a period of 23 years. The parties had themselves chosen the gats. Till that point of time, the petitioners had not raised any objection but this was done by way of an appeal after

23 years. The concurrent findings arrived at by the Courts below cannot be interfered in the extraordinary jurisdiction of this Court for a party who had chosen not to take any action for 23 years. This petition is totally devoid of any merit and is an abuse of the process of the Court. This petition deserves to be dismissed. We order accordingly.

Sd/-

CHIEF JUSTICE

Sd/-

S.A. BOBDE, J.